

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONNIE DEVANE,

Plaintiff,

-against-

JOHN OR JANE DOE, M.D., et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/6/2023

20-CV-9649 (NSR)

ORDER OF DISMISSAL

NELSON S. ROMÁN, United States District Judge:

*Pro se* Plaintiff Donnie Devane (“Plaintiff”) commenced this action on or about November 13, 2020 against a “John or Jane Doe, M.D.” and the Superintendent of Downstate Correctional Facility (together, “Defendants”). He brings claims under 42 U.S.C. § 1983 (“Section 1983”) for alleged violations of his rights under the Eighth and Fourteenth Amendments of the U.S. Constitution. (Complaint (“Compl.”) (ECF No. 1).) By order dated January 7, 2021, Judge Louis L. Stanton (who was then assigned to the action) ordered Plaintiff to show cause why the action should not be dismissed as time-barred. (ECF No. 6.) Plaintiff filed a declaration (ECF No. 7), and the Clerk of Court reassigned the action to the Court.

On April 27, 2021, the Court dismissed Plaintiff’s Complaint, filed IFP under 28 U.S.C. § 1915(a)(1) without prejudice for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). (*See* ECF No. 9.) Plaintiff was granted leave to amend his Complaint in accordance with that Order on or before June 1, 2021, and the Court further noted that if no amendment were made by June 1, 2021, or Plaintiff failed to move for an extension to that deadline, the Complaint may be dismissed with prejudice and this action terminated without further notice. (*Id.*) The Court also certified under 28 U.S.C. § 1915(a)(3) that any appeal from its April 27, 2021 Order would not be taken in

good faith, and therefore *in forma pauperis* status was denied for the purpose of an appeal. (*Id.*)  
*See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

As Plaintiff failed to either amend his Complaint or request an extension by June 1, 2021, his Complaint is dismissed with prejudice and this action is terminated without further notice. The Clerk of the Court is directed to close this action, mail a copy of this Order to *pro se* Plaintiff at the address listed on ECF, and show service on the docket.

SO ORDERED.

Dated: March 6, 2023  
White Plains, New York

A handwritten signature in dark ink, appearing to read 'Nelson S. Román', is written over a light blue rectangular background.

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NELSON S. ROMÁN  
United States District Judge